IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL
Criminal Misc. Application No. 585/2005

Shri Himanshu Sharma (Partner)
M/s Gayatri Edutech
R/o Upasana Sadan
295 Bhagat Singh Margh
Subhash Nagar ,Dehradun applicant

Versus

1. Judicial magistrate Ist .Dehradum district Dehradun
2. Virendra Prasad Raturi
   S/o Shri Salig Ram Raturi
   R/o E-Block, Saraswati Vihar ,Azabpur Khurd,
   District Dehradun, Uttaranchal

respondents.

Hon'ble B.C. Kandpal, J

This petition under Section 482 Cr.P.C has been filed by the applicant Himanshu Sharma for quashing criminal proceedings in case No. 893 of 05(old case No. 1458 /2004) Virender Prasad vs M/s Gayatri Edutech and another under Section 138 of Negotiable Instruments Act, pending in the Court of Judicial Magistrate Ist , Dehradun.

Record reveals that respondent No.2 Virender Prasad Raturi has filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act.

The learned court below vide order dated 4.10.2004 summoned the applicant for facing the trial under Section 138 of Negotiable Instruments Act.

Against the aforesaid impugned order this petition under Section 482 Cr.P.C. has been filed before this court.

During the pendency of the aforesaid petition both the parties have entered into compromise.

This court directed respondent No.2 vide order dated 29.9.2005 to appear before this court in person. Learned counsel for the petitioner submitted before the court that the petitioner is ready to pay the disputed amount by way of Bankers Cheque and he has also agreed to pay an amount Rupees 17000/-(Rupees seventeen thousand only) in total to respondent No.2 .Respondent No.2 Virendra Prasad Raturi has also accepted the offer in the open court.

Today , the petitioner has appeared before the court alongwith Bankers Cheque amounting to Rs. 17000/-(Rupees seventeen thousands) in order to pay the same to respondent No.2-Virender Prasad Raturi. Respondent No.2 has accepted this Bankers Cheque in the open court.

Respondent No 2 Virendra Prasad Raturi has submitted before this court that now no amount is due against the petitioner and he has no cause of action let against the petitioner.

Keeping in view the compromise between the parties this petition under Section 482 Cr.P.C is disposed of finally.

In the aforesaid circumstances the criminal proceedings pending before the Court of Judicial Magistrate Ist ,Dehradun in Criminal case No.893/05(old case No.1458/2004) Virendra Prasad Vs M/s Gyatari Edutech & another under Section 138 of Negotiable Instruments Act, is hereby quashed.

(B.C. Kandpal,J.)

8.11.2005
njb